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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/916,527 08/22/97 HONG

Y ALANEX.006A

EXAMINER

HM12/0129

DEBORAH DEAN, INTELLECTUAL PROPERTY ADMINISTRATION  
AGOURON PHARMACEUTICALS, INC.  
10350 NORTH TORREY PINES ROAD  
LA JOLLA CA 92037

COVINGTON, R

ART UNIT

PAPER NUMBER

1625

DATE MAILED:

01/29/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

08/9/6,527

Applicant(s)

9144 ex. 006A

Examiner

Covington

Group Art Unit

1625

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☒ Responsive to communication(s) filed on 10/13/00
- ☐ This action is FINAL.
- ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 11-25 is/are pending in the application.  
Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 11-25 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
  - ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
  - ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_
  - ☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other \_\_\_\_\_

Office Action Summary

Art Unit: 1612

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 11-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Studt et al US 4,486,439 taken with Chou US 4,562,709 and El-Kerdawy Pharmazie Vol. 30 no. 12.

Studt et al '439 teach amido urea derivatives of the type recited in the claims. See, for example, column 2 lines 55 formula I, column 8 lines 30-70, and column 10 lines 30+ Table I.

Patentees do not exemplify all of the species encompassed by applicants' recited claims.

However, the art as a whole does disclose species which are comparable to the amido urea derivative's claims. Note patentees formula I where  $R_4$  is H,  $R_3$  is H,  $R_1$   $R_2$  together with the attached nitrogen form a heterocyclic ring and  $R_5$ ,  $R_6$  is substituted arylalkyl where the substituent is acylamino. Chou '209 teaches analogous amido ureas. See column 3 lines 50 to column 4 line 45, and column 7 lines 35+, formula I-a where  $R_4$  is H,  $R_2$  is H,  $R_1$  is aralkyl substituted with amino,  $R_6$  is H and  $R_5$  is aralkyl. Likewise El-Kerdawy et al, see examples in the abstract. In view of the cited prior art as a whole the claimed compounds would have been obvious to one of ordinary skill in the art. It is also noted that the claims are drawn to compounds per se and as such would be obvious notwithstanding applicants' intended use.

Art Unit: 1612

3. No claim is allowed.
4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond Covington whose telephone number is (703)308-4704.

*R*

Covington/LR

January 8, 2001

*Alan L. Rotman*

ALAN L. ROTMAN  
PRIMARY EXAMINER